

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

JAMES GIRLEY
ADC #112981

PLAINTIFF

VS.

4:20-cv-01173-BRW-JJV

SHERI J. FLYNN

DEFENDANT

ORDER

I have reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. After carefully considering Mr. Girley's timely filed objections and making a *de novo* review of the record, I approve and adopt the Proposed Findings and Recommended Disposition in all respects.

Accordingly, Plaintiff's Complaint (Doc. No. 2) is DISMISSED without prejudice for failure to state a claim upon which relief may be granted.

Dismissal of this action counts as a "strike" for purposes of 28 U.S.C. § 1915(g).¹

I certify, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any Order adopting these recommendations and the accompanying Judgment would not be taken in good faith.

IT IS SO ORDERED this 20th day of October, 2020.

Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹ Title 28 U.S.C. § 1915(g) provides as follows: "In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury."